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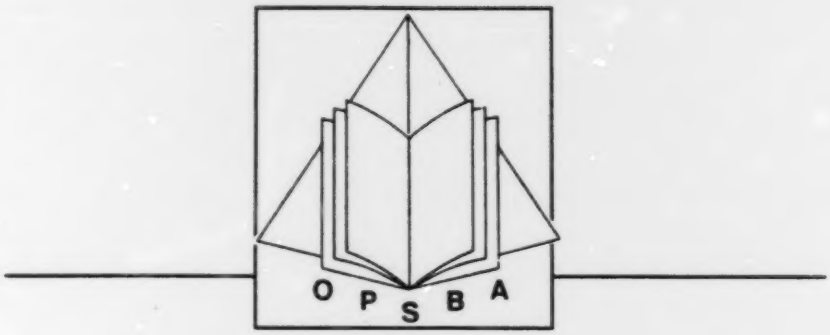
ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION



MINORITY LANGUAGE GOVERNANCE IN ONTARIO

A POSITION PAPER

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ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

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MINORITY LANGUAGE GOVERNANCE IN ONTARIO
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INTRODUCTION

The Ontario Public School Boards' Association recognizes the right to minority language education and governance in Ontario and welcomes the opportunity to respond to the Ministry of Education's proposals for change.

However, the Ministry of Education's proposed amendments to the current legislative provisions for minority language education and governance do not address the fundamental questions surrounding this issue in Ontario. They do not deal with the central questions of funding and budget control. They do not clarify matters of exclusive and common jurisdiction. Rather than resolve some of the current difficulties with the legislation, they may, in fact, serve to further heighten conflicts between Boards and Sections.

OPSBA has concerns with the band-aid approach of the amendments and strongly believes that there is the need for a long term strategy for minority language education which examines alternative models for governance and provides a process for assessment and implementation.

One governance model applied uniformly across the province is not the solution.

The government must also take into account the federal role in determining the nature of minority language education rights, their mode of delivery and governance structures. More and more decisions are being made through the courts at the federal level and the ways in which other provinces are dealing with the issue should be examined.

Although OPSBA will be responding to the specific Ministry of Education proposals for change on the basis of an extensive consultation process with our Member Boards including a one-day workshop and the release of a discussion paper; it will not restrict itself to them. The more general questions of the right to minority language instruction and the governance structures required to meet these rights will be addressed in some detail.

MINORITY LANGUAGE EDUCATION

The right to minority language education in Ontario has been established within the Charter of Rights and Freedoms, subsequent court decisions resulting from challenges based on the Charter, and provincial legislation. OPSBA recognizes these rights.

However, Courts do not have to address the political and economic realities of their decisions. In recognizing and guaranteeing these rights, they do not have to answer the more basic questions of how these rights are to be provided and whether conditions should be placed on these rights.

Any answers to these questions must take into account the mandate of the public school system and the consequences of the exercise of minority language rights for public education.

COMPETING AND COMPOUNDING RIGHTS TO EDUCATION

There are competing and compounding rights to education in this province. There is the over-riding right of all individuals to attend and the concomitant responsibility to direct their taxes to the public school education system. Some individuals also have limited additional rights to Catholic and linguistic education. By opting out of the overall general right to a public school education, individuals can exercise these additional religious and/or linguistic rights, and in certain circumstances direct their property taxes accordingly.

The critical question that needs to be addressed concerns whether individuals have the right to have their multiple rights provided for in any combination they choose or whether there should be limits placed on the exercise of rights. There is the need for clarification as to which rights should take precedence, linguistic rights or religious rights, in situations where numbers of students and availability of resources limit the ability of boards to provide programs to meet all combinations of rights.

OPSBA believes that there should be a rationalization of the multiple rights of individuals. It is unreasonable, both in terms of cost and viability of education, for individuals to exercise their compounded rights in any form they choose.

OPSBA recommends that:

1. **The government, with its key partners in education, rationalize the question of provision of programs where individuals have multiple rights to education in this province.**

In conjunction with the question of competing and compounding rights to education, concerns with regard to the further fragmentation of the public system and its resulting divisiveness, labelling, and intolerance combined with the overriding concern with scarce resources and competitiveness must be considered.

FURTHER FRAGMENTATION OF THE PUBLIC SCHOOL SYSTEM

The public education system is the only system which is open to all. The mandate of the public school system is in danger of being further fragmented, of being perceived as the system of last resort open only to those individuals who do not have additional minority rights to education.

The consequences for education of the further fragmentation of the public school system in which children are divided on the basis of linguistic rights must be considered in light of the mandate of the public education system to foster tolerance and understanding among all individuals regardless of their ethnic, racial or linguistic diversity.

If it is the government's intent to provide for multicultural and linguistic rights through the further division of the public school system, then it is time the government stated clearly what is meant by public education. OPSBA recommends that:

2. **The government, with its partners in education, define the role of public education in this province.**

SCARCE RESOURCES AND COMPETITION

In dealing with the question of minority language rights, questions of financial feasibility must be addressed.

Competitiveness in the private sector tends to lead to cost efficiency but competitiveness in the public sector leads to duplication and multiplies the cost. There are already scarce resources for the provision of education in this province. Reduced provincial spending on education combined with unprecedented increases in local tax rates make it imperative that further fragmentation with its resultant escalation in costs does not occur. Cooperation is a better alternative than mandated competition for a limited number of students and a limited pot of resources.

We must be accountable to the public in general. The public is no longer willing to finance escalating structures for the provision of education.

A central question that must be addressed when dealing with the question of minority language rights relates to budget and funding. There cannot be governance without access to financial control. On the other hand, there cannot be accountability without fiscal responsibility.

The question of adequate funding for minority language education and where that funding comes from is one of the central issues that has not been dealt with adequately by the provincial government. This question is not unique to minority language education.

OPSBA, in its presentation to the Legislative Select Committee on Education on the financing of education, stressed that the funding of education must be a partnership between provincial and local governments. It was also stressed that, in order to ensure equality of educational opportunity, there must be a model for the funding of education in which it is recognized that there is a clearly defined level of education which should be available to all. The per pupil cost of this level must be determined in collaboration with school boards. OPSBA reiterates its recommendation to the Legislative Select Committee that:

3. **It is the fiscal responsibility of the provincial government to ensure that there is equal access to a clearly defined level of eduction regardless of the wealth of the local community, and that the per pupil cost of this level must be determined in collaboration with the school boards.**

Once consensus has been reached on the level of program required to provide equal access to educational opportunities and the per pupil cost to achieve this been determined, then decisions can be made as to what the relative financial shares between the provincial and local governments should be in providing this service.

Any costs beyond this per pupil level which are outside the control of the local community, mandated provincially or unique to certain groups such as lower class sizes in a minority language setting or the provision of a cultural milieu, must be provided for totally by the provincial government. The local taxpayer must not be responsible for providing funds for these programs. OPSBA recommends that:

4. **The per pupil cost to educate a student to a clearly defined level of education be the same for majority and minority language students. Any costs beyond this per pupil cost which are related to decisions outside the control of the local community must be funded totally by the province.**

Once this model of education finance is in place, then the questions of financial responsibility and accountability can be dealt with to ensure that the minority and majority language sections have both the power and the resources to govern effectively and with accountability in their respective exclusive areas of jurisdiction.

WHERE NUMBERS WARRANT

The establishment of a minority language education system for the direct provision of minority language instruction in a given jurisdiction should be provided for only "where numbers warrant".

Numbers, economies and viability of education are essential components in any decision with regard to the provision of minority language education. The government must establish guidelines based on the "sliding scale of requirement" as detailed in the recent Supreme Court of Canada decision in the Mahe case.

Within these guidelines, the decision as to whether viable education can be offered and the mode of its delivery should be a matter of local decision. All options should be given serious consideration. Where numbers do not warrant in-class instruction, the government should look at other modes of delivery other than direct provision eg. distance education. OPSBA recommends that:

5. **The government develop guidelines to aid school boards in making decisions as to whether they can offer direct minority language education and its appropriate mode of delivery.**

COOPERATION BETWEEN SCHOOL BOARDS

Under the current provisions of the Education Act, school boards may purchase minority language education services. OPSBA recommends that:

6. **The government maintain the current flexibility in the Education Act with regard to the way in which school boards provide for minority language instruction.**

However, coterminous boards are under no obligation to provide for purchase of service even if they currently offer it. This can result in situations where students are required to travel great distances or live away from home in order to exercise their rights.

OPSBA believes that, in many jurisdictions, there is no need for both publicly-funded systems in a given area to provide direct service for minority language education rights. Instead, coterminous boards should be encouraged to cooperate to avoid unnecessary competition and duplication of costs.

OPSBA recommends that:

> 7. **Coterminous boards be encouraged, through additional funding, to cooperate in the provision of minority language education in order to avoid unnecessary competition and duplication of costs.**

Where one school board is already providing minority language education in a given jurisdiction, the coterminous board should not be forced to directly provide for this education also. The responsibility for the direct provision of minority language education should firstly fall on the system that is currently providing that education. There should be access to this education to all students who wish to exercise their rights. OPSBA recommends that:

> 8. **The Education Act be amended so that school boards may be exempted from directly providing for minority language education if its coterminous board is already providing this service.**

If there is not cooperation between the coterminous boards, then OPSBA further recommends that:

> 9. **A coterminous school board be expected to directly provide duplicate minority language education only where numbers warrant.**

Coincident with any amendments allowing for access to minority language education to both publicly-funded systems and the purchase of service from a coterminous board must be the right of students to opt out of religious education at both the elementary and secondary levels.

OPSBA recommends that:

10. **Exemption from religious education be a legislated right in publicly-funded education systems at the elementary and secondary levels.**

MINORITY LANGUAGE GOVERNANCE

In determining the nature of minority language governance in Ontario at the very least, OPSBA wants a system that promotes unity and cohesion, fosters tolerance and understanding and encourages fiscal cooperation at a time when there are scarce resources.

OPSBA stresses that any system of governance must embody the essential components of governance which include representation, accountability and fairness/responsibility to both the minority and the majority.

Any model for minority language governance must also incorporate flexibility to allow each community to chose a structure which best suits its needs. Provincial legislation must recognize that there is the need for more than one option for minority language education governance in Ontario. What works in one area will not necessarily work in all areas. Local boards should have some power to adapt to form. For example, under Bill 125 dealing with trustee distribution, the local board has the option to increase or decrease its total size as well as the way in which the numbers are distributed, to suit local needs.

Regardless of the model or models that are chosen for minority language governance, the provincial government must show leadership in this area. There must be provincial support for those boards that are working well. Before any new governance structures are put in place there must be an established process, clearly defined criteria and adequate consultation with all the groups involved, both minority and majority. Decisions must not be made based on political expediency. OPSBA, in agreement with AFCSO, therefore recommends that:

11. **Long-term planning combined with adequate consultation is essential to the development of any system of minority language governance in Ontario.**

GOVERNANCE MODELS

Any system of governance, similar to decisions with regard to the provision of minority language education, should be based on a sliding scale as outlined in the Supreme Court of Canada decision in the Mahe case. OPSBA recommends that:

12. **Models for minority language governance be based on a "sliding scale" as detailed in the Supreme Court of Canada decision in the Mahe case.**

There are various models that should be considered including the status quo, autonomous minority language school boards and umbrella boards.

A) STATUS QUO

OPSBA supports the maintenance of the present governance structure with modifications that would strengthen the corporate board.

Bill 75 is a relatively new piece of legislation that has had only one election under its current provisions. In some areas of the province the current structure is working well and needs to be strengthened. In many instances more experience with the legislation and more maturity would resolve a number of the problems.

It must be recognized, however, that a number of the difficulties with the current provisions for minority language governance are due to the lack of direction on the part of the provincial government. Bill 75 has conflict inherent in it.

Conflicts have occurred in most public school boards over which areas are to be included in exclusive and common areas of jurisdiction. Concerns have

been expressed over the trustee distribution process employed in some boards with the minority language trustees representing only one geographic part of the school board jurisdiction. There is confusion over the role of the admissions committees.

In order for the current governance structure to work, OPSBA recommends that:

13. **The Ministry of Education amend those sections of the Education Act and regulations dealing with minority language governance in the following areas:**

a) **Clarification of the current legislative provisions with regards to: funding and budget control; representation; exclusive and common areas of jurisdiction; the role of the corporate body of the board; and, the role of the admission committees.**

b) **The establishment of a conciliation and mediation process to provide assistance to boards that are having difficulties in implementing the current legislation so that boards do not have to resort to the Languages of Instruction Commission or the Courts.**

B) AUTONOMOUS MINORITY LANGUAGE SCHOOL BOARDS

OPSBA recognizes that in certain situations minority language governance under the current legislative provisions is not possible and an autonomous system for minority language governance may be the only alternative.

OPSBA recommends that:

14. **Autonomous minority language school boards be established where warranted by local circumstances and according to a clearly defined process.**

The establishment of additional autonomous minority language school boards requires a clearly specified process for their development and a number of conditions have to be met before they can occur. Autonomous boards should not be formed for political expediency.

Before there are additional autonomous minority language school boards, the following conditions must be met:

The government must institute conditions/criteria for assessing the viability of establishing autonomous minority language school boards. Student numbers alone should not form the basis for governance structure decisions. The cost of the contemplated services, the viability of the education system and impact on existing systems are important factors that must be taken into account.

Once these criteria have been met, the minority language section of the board would then apply to an independent provincial commission which would assess, in consultation with all affected parties, the feasibility of an autonomous system and determine the most viable structure for this system.

OPSBA recommends that:

15. **The government, in consultation with its partners in education, develop criteria for the establishment of autonomous minority language school boards and develop a process for assessing the feasibility of autonomous boards taking into account impact on existing systems.**

There must be guarantees that the establishment of additional autonomous minority language governance structures will not be at the expense of the public school system. Funding must be provided from provincial revenues and minority language ratepayers.

OPSBA recommends that:

16. **The government guarantee that the establishment of additional autonomous minority language governance structures will not be done at the expense of the public education system.**

Possible structures for autonomous minority language school boards include minority language public school boards; combined minority language school boards with both public and Roman Catholic components; and regional minority language school boards. The structures chosen will, in part, be influenced by decisions on the nature of compounded rights and which rights should take precedence.

C) UMBRELLA SCHOOL BOARDS

Another alternative to the governance of minority language education which requires careful consideration and further study is the concept of an umbrella board serving all the educational needs of the province in which linguistic and religious rights are also recognized.

Such a governance structure with its two-tiered system of governance, would facilitate cooperation with regards to such items as transportation and the sharing of resource personnel but the constituent components would have exclusive jurisdiction over program, related staffing and budgets.

This option must not, however, be rushed into. Before any action in taken in this area, even on a pilot basis, the Ministry and its partners in education must engage in a dialogue as to what is meant by an umbrella board including such issues as its form and representation. OPSBA therefore recommends that:

17. **The Ministry of Education, in consultation with its partners in education, undertake an examination of the concept of an umbrella board with a two-tiered structure. This examination would include the possibility of pilot projects in this area.**

MINISTRY OF EDUCATION PROPOSALS FOR CHANGE

PREAMBLE

OPSBA must stress that any suggestions for change to the current legislative provisions for minority language governance must take into account the rights of the corporate board to establish policy, the rights of the sections to govern in defined areas and the obligations of both to cooperate.

One of the major strengths of the existing legislation is its flexibility in providing for diversity in implementation. There are wide differences among our Member Boards with regard to the structures that are in place for the provision of minority language governance. These range from a very loose organization to a very structured format. This flexibility must be maintained. We recognize also that there are problems occurring in boards with the implementation of the current legislation and changes are required.

Changes in the existing legislation must meet three needs: the need for clarification of the Act; the need to maintain flexibility; and, the need for modifications to be part of an overall plan.

Clarification of the Education Act through regulation is imperative. OPSBA, therefore recommends that:

> 18. **The Ministry of Education clarify, through regulation, sections of the Education Act dealing with exclusive and common areas of jurisdiction.**

The diversity of the current legislation is its strength and flexibility to suit local conditions is essential. We do not need the government to bring in punitive legislation which will apply to all boards as they did in the case of heritage language education. Where there are problems, boards may need help in facilitation and cooperation. OPSBA recommends that:

> 19. **The government maintain the current flexibility in the Education Act with regard to the way in school boards provide for minority language governance.**

Modifications to the current legislative provisions must be part of an overall plan, not a bandaid approach to change. We need solutions to existing problems which will inspire confidence and will carry consensus not further divide the board. The conflict and divisiveness that is included in the band-aid approach inherent in the Ministry of Education thirteen amendments to the current governance structure must be avoided.

A number of the proposed amendments centre around the issue of double majority votes to resolve issues of mutual concern. This issue is more divisive than any other amendment being considered by the government. OPSBA strongly recommends that:

20. Under no circumstances should double majority vote be instituted.

SPECIFIC MINISTRY OF EDUCATION PROPOSALS

Each of the thirteen proposed Ministry of Education amendments to the existing legislation were considered in light of the following fundamental questions:

1. Will the amendment create more or less division?

2. Will the amendment be acceptable publicly?

3. Will the amendment retain the basic principles of a single public corporate body?

4. Will the amendment resolve some of the concerns of both the majority and minority sections of the board?

(1) ***SIZE OF SECTIONS***

OPSBA does not support this amendment to the Education Act.

When assessing this amendment one must consider the principle of representation by population and the workload of minority language trustees.

This amendment must also be considered in light of all the other proposed amendments which aim at increasing the powers of the sections. If the powers and responsibilities of the sections are to be increased to almost a mini-board, then it follows that the current level of trustee representation would be inadequate to cover the increased workload.

Alternatives to increasing the minimum number of trustees which would aid in the current perceived problems associated with workload, include additional administrative support, a clearer definition of the role of the trustee, and the sharing of committee work. There is no need for the section to duplicate all board committees.

The proposed amendment fails to address the question of funding to cover the costs associated with an increase in the total size of school boards. Funds will be needed to cover such items as trustee honoraria, expenses, professional development and administrative time.

(2) ***DISPUTE RESOLUTION***

OPSBA does not support this amendment which is viewed as more divisive than helpful in resolving conflicts. In recommending expansion of the powers of the Language of Instruction Commission, the amendment does not address the central questions of accountability, composition, the binding nature of decisions or who is able to bring matters of concern to its attention.

The question of accountability of this body is central to whether the Languages of Instruction Commission is a viable alternative for dispute resolution. It is not acceptable that the mandate of the current commission be expanded without additional consideration being given to its composition.

The composition of this Commission is critical. Consideration must be given to equal representation of minority and majority language commissioners and geographic differences.

Clarification must be forthcoming with regard to the binding nature of decisions of the Languages of Instruction Commission and whether the decisions will have any force and effect on other school boards.

It must be made clear that both the minority and majority sections of the board would be able to bring matters of concern to the Commission.

(3) ***HIRING AND FIRING OF TEACHERS***

OPSBA would reiterate that under no circumstances should double majority vote be instituted.

OPSBA strongly believes that if sections are allowed to hire and fire staff they must do so under the terms of the collective agreement and go through the board as the corporate body.

Regulations or guidelines must clarify that if a section dismisses someone from a given area, that person should not become an imposition on the other section. There is also need for clarification of the movement of employees from one section to another.

(4) ***DEFINITION OF A FRANCOPHONE***

OPSBA has no consensus on this amendment which deals with two separate issues: the right to education and the right to be a minority language ratepayer who can direct taxes, vote for, or be a member of, a minority language section of a school board. These issues must be dealt with separately and one does not necessarily follow from the other.

With regard to extending the right to minority language education, individuals can already apply for the right to minority language education if they are non-Section 23 right-holders through board admission committees.

The question of extending these rights beyond Section 23 rights with regard to identification of ratepayers and the right to vote for, and be a member of a minority language section of a school board is much more complicated. OPSBA recognizes the need for a parent who has a child being educated in the minority language system to have a say in how that child is being educated. However, the right to direct political representation does not necessarily follow from the right to attend.

(5) ***RIGHT TO INSTRUCTION***

On the understanding that the intent of the amendment is that the right to instruction is not availability of every option possible but of those options

that are possible where numbers warrant, OPSBA supports this amendment.

However, concerns have to be expressed with regard to the costs associated with providing all instruction in the minority language. If school boards are to be required to provide 100% of their program with French as the language of instruction, then there must be provincial funding to cover the full cost of this program.

There will be major difficulties for school boards to find qualified teachers to fulfil these requirements. Rights can only be satisfied to the extent that there are available resources to accomplish implementation and there already is a shortage of French language teachers. This amendment will seriously compound an already critical situation. There must be flexibility in this amendment which recognizes this and ensures that the quality of education offered is not compromised.

It must also be recognized that in some small boards, the provision of 100% instruction in a minority language will be almost impossible and there must be some flexibility in the legislation.

In mixed schools, some francophone students may wish to take courses in English. They must have the right to do so.

(6) ***DISTRICT SCHOOL AREA BOARDS AND RURAL RCSS BOARDS***

Before any amendments are made with regard to the provision of minority language education by DSA boards, they must be considered in light of the current examination of northern education by the Northern Services Unit and should not be made in isolation from these decisions.

(7) ***USE OF SCHOOL FACILITIES***

The board as a whole is responsible for school facilities and uniform board policies should be applied. The credibility of the board is on the line if there are different policies for different schools.

There must be uniform board policies on the use of school facilities although the sections should have exclusive authority to implement these policies in areas where they have exclusive jurisdiction.

Once again, OPSBA would reiterate that double-majority vote must not be instituted.

(8) ***EXPEL AND SUSPEND***

Expulsion and suspension should be carried out under the provisions of board policy. However, OPSBA supports the recommendation that the section would have exclusive jurisdiction over the implementation of this policy in their area. A decision of the section should be binding on the whole board.

(9) ***LEAVES OF ABSENCE***

Currently, various leaves, with or without pay, are subject to the approval of the total board.

Although sections would be required to respect any conditions required by the applicable collective agreement it will get the sections involved in aspects of the administration of collective agreements which, under Bill 100, are the responsibility of the total board.

Similar to the proposed amendment with regard to the hiring and firing of staff, this amendment serves to isolate sections of the collective agreement and undermine the role of the board as a corporate body. The section must be required to operate under the conditions of the collective agreement and board rules.

(10) ***SALARIES AND BENEFITS***

OPSBA strongly believes that all aspects of collective agreements must be kept with the board and not be fragmented.

(11) ***HIRING EXPERTS***

OPSBA supports this amendment as long as the sections are required to operate within a general board policy on the hiring of experts and related costs are allocated to the appropriate section.

(12) ***PROFESSIONAL DEVELOPMENT OF TRUSTEES***

The proposed amendment deals with two issues: the professional development of trustees and the choice of membership in an Association.

With regard to professional development, OPSBA feels that there must be clear board policies on professional development and that sections should be required to adhere to these policies to ensure fairness and equal treatment.

The choice of membership in an Association should be left to the section with the full board voting on joining OPSBA. If the section decides to join an additional Association, the related expenditure would be assigned to the section.

(13) DISQUALIFICATION OF TRUSTEES
OPSBA supports this amendment.

CONCLUSIONS and RECOMMENDATIONS

OPSBA recognizes the right to minority language education and governance in Ontario.

However, OPSBA strongly believes that there is the need for a long term strategy for minority language governance which not only examines alternative models but provides a process for their assessment and implementation. The refinement of existing provisions, the establishment of additional autonomous minority language school boards, and the examination of umbrella school boards are all governance models to consider. One uniform model for the whole province without local board flexibility is not the solution.

In addition to examining various models for governance, the government must also examine its current legislative provisions for minority language education in Ontario and the related questions of funding, budget control and accountability.

The following assumptions/positions formed the basis for the OPSBA position paper on minority language education and governance.

With regard to minority language education rights:

- The rights to minority language education must be considered in light of concerns with regard to the further fragmentation of the public system combined with the overriding concern of financial and

educational viability in a time of scarce resources.

- Cooperation between school boards, the question of "where numbers warrant" and the role of schools in providing a "cultural milieu" must be addressed.

With regard to minority language governance:

- One governance model will not work for the whole province. OPSBA supports the "sliding scale" for governance models as outlined in the recent Supreme Court of Canada decision in the Mahe case.

- Any system of governance must have the following components: representation, accountability and fairness/responsibility to the minority.

- Any system of governance must be flexible and adaptable.

- Current legislation may be adequate in some circumstances but revisions must be made in a number of critical areas.

- Regardless of what additional governance structures are put in place, there must be an established process, clearly defined criteria and adequate consultation. The government must provide leadership in this area.

With regard to the Ministry of Education proposed changes to current legislation:

- Any changes to existing legislation must take into account the rights of the corporate board to establish policy, the rights of the sections to govern in defined areas and the obligations of both to cooperate.

- Any changes to current legislation must reflect the need for further clarification through regulation; the need to maintain flexibility; and, the need for an overall plan, not a bandaid approach to change.

- The specific proposals for change must be evaluated in terms of whether they create more or less division; they will be acceptable publicly; they retain the basic principles of a single corporate body;

and, they resolve some of the concerns of both the majority and minority sections of the board.

OPSBA recommends that:

1. **The government, with its key partners in education, rationalize the question of provision of programs where individuals have multiple rights to education in this province.**

2. **The government, with its partners in education, define the role of public education in this province.**

3. **It is the fiscal responsibility of the provincial government to ensure that there is equal access to a clearly defined level of eduction regardless of the wealth of the local community, and that the per pupil cost of this level must be determined in collaboration with the school boards.**

4. **The per pupil cost to educate a student to a clearly defined level of education be the same for majority and minority language students. Any costs beyond this per pupil cost which are related to decisions outside the control of the local community must be funded totally by the province.**

5. **The government develop guidelines to aid school boards in making decisions as to whether they can offer direct minority language education and its appropriate mode of delivery.**

6. **The government maintain the current flexibility in the Education Act with regard to the way in which school boards provide for minority language instruction.**

7. Coterminous boards be encouraged, through additional funding, to cooperate in the provision of minority language education in order to avoid unnecessary competition and duplication of costs.

8. The Education Act be amended so that school boards may be exempted from directly providing for minority language education if its coterminous board is already providing this service.

9. A coterminous school board be expected to directly provide duplicate minority language education only where numbers warrant.

10. Exemption from religious education be a legislated right in publicly-funded education systems at the elementary and secondary levels.

11. Long-term planning combined with adequate consultation is essential to the development of any system of minority language governance in Ontario.

12. Models for minority language governance be based on a "sliding scale" as detailed in the Supreme Court of Canada decision in the Mahe case.

13. The Ministry of Education amend those sections of the Education Act and regulations dealing with minority language governance in the following areas:

a) Clarification of the current legislative provisions with regards to: funding and budget control; representation; exclusive and common areas of jurisdiction; the role of the corporate body of the board; and, the role of admission committees.

b) The establishment of a conciliation and mediation process to provide assistance to boards that are having difficulties in implementing the current legislation so that boards do not have to resort to the Languages of Instruction Commission or the Courts.

14. Autonomous minority language school boards be established where warranted by local circumstances and according to a clearly defined process.

15. The government, in consultation with its partners in education, develop criteria for the establishment of autonomous minority language school boards and develop a process for assessing the feasibility of autonomous boards taking into account impact on existing systems.

16. The government guarantee that the establishment of additional autonomous minority language governance structures will not be done at the expense of the public education system.

17. The Ministry of Education, in consultation with its partners in education, undertake an examination of the concept of umbrella boards with a two-tiered structure. This examination would include the possibility of pilot projects in this area.

18. The Ministry of Education clarify, through regulation, sections of the Education Act dealing with exclusive and common areas of jurisdiction.

19. The government maintain the current flexibility in the Education Act with regard to the way in school boards provide for minority language governance.

20. Under no circumstances should double majority vote be instituted.